IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.44446 of 2008
1. PUNYADEO RAI @ PUNDEO RAI
2. CHANDRIKA RAI
both sons of Munshi Rai
resident of village- Chhapra, P.S.- Baikuntpur
District- Gopalganj
Versus
STATE OF BIHAR
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2 **26.11.2008** Heard learned counsels for the petitioners and the State.

Petitioners are accused for the offence under section 302, 201/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that although the petitioners have been named in the first information report, however the police after investigation submitted charge sheet against other co-accused persons and not against these petitioners, and as such, they did not keep any trap over the case. It is further submitted that learned Magistrate differed with the same and took cognizance of the offence against these petitioners as well. It is further submitted that the charge sheeted accused persons were put on trial in Sessions Trail No. 299 of 2007 which ended in their acquittal vide judgement dated 2nd of February, 2008, as contained in Annexure-3 to the bail petition where the witnesses did not support the prosecution, and as a matter of fact, the informant and other witnesses were declared hostile. The

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daughter of the informant namely, Rani Kumari, who was prosecution witness no.2 has categorically denied the prosecution case.

Learned Addl. P.P. appearing for the State submits that no doubt the allegations levelled are serious, however, not witness has supported the prosecution case in the trial against the charge sheeted accused persons.

Having considered the submissions, as noticed above, and in the facts and circumstances of the case, it is directed that in the event of arrest or surrender within a period of four weeks from today, the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sessions Judge, Gopalganj, in connection with Baikunthpur P.S.Case No. 121 of 2006 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

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Manish/- **(Shailesh Kumar Sinha,J.)**